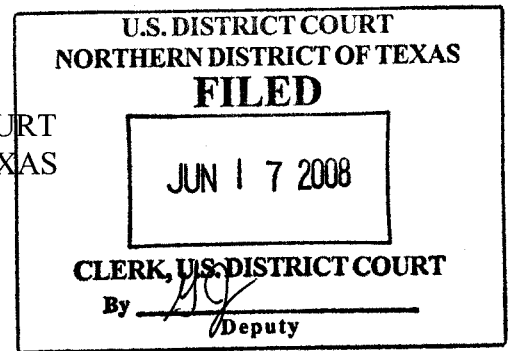


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ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA )

VS. )

DWAYNE SMITH )

CASE NO.: 3:08-CR-168-M

**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

Dwayne Smith, by consent, under authority of United States v. Dees, 125 F.3d 261 (5<sup>th</sup> Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count(s) One of the one-count information. After cautioning and examining Dwayne Smith under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted, and that Dwayne Smith be adjudged guilty and have sentence imposed accordingly.

Date: June 17, 2008

UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).